IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

OP.No. 10917 of 1998(Y)

PETITIONER:

J.SHAHBUDEEN, S/O.JAMALUDEEN,
AGED 28 YEARS, KULANGARAKUZHIRODARIKATHU VEEDU, KUNNIYOOR P.O., POOVACHHAL P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.RAJENDRAN NAIR (SR.)

RESPONDENTS:

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1. **THE SECRETARY, KERALA STATE PUBLIC SERVICE COMMISSION, THIRUVANANTHAPURAM.**

2. **THE SECRETARY, KERALA STATE ELECTRICITY BOARD, THIRUVANANTHAPURAM.**

3. **THE DISTRICT OFFICER, KERALA PUBLIC SERVICE COMMISSION, THIRUVANANTHAPURAM.**

R1 & 3 BY ADV. SRI.ALEXANDER THOMAS, SC, KPSC.
R2 BY SRI.C.K.KARUNAKARAN, SC FOR KSEB.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.18782 OF 1998 IN OP.NO.10917 OF 1998-Y.

DISMISSED.

28/9/2007. **Sd/- T.R.Ramachandran Nair, Judge.**

APPENDIX

Petitioner's Exhibits:-

Ext.P1: **Copy of the Order No.D.A2(1) 34511/97 G.W dated 21.11.97 issued by the 1st respondent.**

Ext.P2: **Copy of the letter F.No.IDB(4) 740/89 dtd.13.6.95 issued by the 3rd respondent.**

Ext.P3: **Copy of the representation dtd.21.8.1995 submitted by the petitioner to the 1st and 2nd respondent.**

Respondent's Exhibits:-

Ext.R2(a): **Copy of the B.O.RLI-24047/73 dated 7.4.1977.**

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

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O.P.No. 10917 of 1998-Y.

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Dated this the 28th day of September, 2007.

J U D G M E N T

The petitioner is aggrieved by the action of the respondents in refusing to select him in the post of Mazdoor. The grievance raised by the petitioner is against the prescription of minimum height for selection as Mazdoor under the Kerala State Electricity Board. Pursuant to the application submitted by him he was called for an interview and even though he appeared, he was not allowed to participate in the further process. This was for the reason that he was not having the prescribed height of 157.5 cms.

2. The 2nd respondent has filed a counter-affidavit. The stand taken is that as per Ext.R2(a) the qualification and method of appointment has been specified for the post of Mazdoor (Electricity Workers) under the Board. It is submitted that it is pursuant to the same the selection was conducted. It is contended by the respondents that the prescription of height was one of the criteria which does not suffer from any illegality.

3. Ext.R1(a) shows that as per sub para.(i) of clause (III) the applicant should have a height of 5' 2'' (157.48 cms.). The Board is empowered to fix the qualification and method of appointment for the various posts to which appointments are being made. The prescription of

qualification including height for a particular post cannot said to be arbitrary. They are the minimum eligibility conditions which a candidate will have to satisfy before being selected for the post. I do not see any infirmity as far as the prescription of height for the particular post is concerned. Further the selection was held in the year 1998 and the selected persons have already joined duty also. In the light of the above, this Original Petition is dismissed.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-